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FM AMEMBASSY MANAGUA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 2317
INFO RUEHZA/WHA CENTRAL AMERICAN COLLECTIVE IMMEDIATE
RUEHBO/AMEMBASSY BOGOTA IMMEDIATE 1857
RUEHCV/AMEMBASSY CARACAS IMMEDIATE 1241
RUEHME/AMEMBASSY MEXICO IMMEDIATE 5111
RUEKJCS/SECDEF WASHDC IMMEDIATE
RUEKJCS/JOINT STAFF WASHINGTON DC IMMEDIATE
RHEHNSC/NSC WASHINGTON DC IMMEDIATE
RUEHLMC/MILLENNIUM CHALLENGE CORP WASHDC IMMEDIATE
RUEAHLA/HOMELAND SECURITY CENTER WASHINGTON DC IMMEDIATE
RHEFDIA/DIA WASHINGTON DC IMMEDIATE
RUEAIIA/CIA WASHDC IMMEDIATE
RUMIAAA/CDR USSOUTHCOM MIAMI FL//J2/J3/J5// IMMEDIATE
RUEADWD/DA WASHINGTON DC IMMEDIATE
RUEAHQA/OSAF WASHDC IMMEDIATE
RUENAAA/SECNAV WASHDC IMMEDIATE
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C O N F I D E N T I A L SECTION 01 OF 02 MANAGUA 000348

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DEPT FOR WHA/CEN - GREENE AND NYMAN
DEPT FOR PM/SNA - DETEMPLE
DEPT FOR L/PM - HEROLD
SOUTHCOM FOR ADM STAVRIDIS AND FPA
SOUTHCOM ALSO FOR JAG
OSD FOR OSD(POLICY) - WALTER EARLE
NSC FOR ALVARADO AND FISK
DHS FOR USCG

E.O. 12958: DECL: 03/24/2018
TAGS: [PREL](#) [MARR](#) [MOPS](#) [KTIA](#) [NU](#)
SUBJECT: NICARAGUA SOFA LETTER: POTENTIALLY DIFFICULT ROAD
AHEAD

REF: SECSTATE 2677 (NOTAL)

Classified By: Ambassador Paul A. Trivelli for reasons 1.4 b & d.

¶1. (C/NF) SUMMARY. After nine weeks of delays on the part of the Foreign Ministry (MINREX), on March 14 we were finally able to meet with Ministry and Nicaraguan Army officials to formally deliver the draft text of the letter regarding the bilateral Status of Forces Agreement (SOFA) and talking points per reftel instructions. We had initially believed that the government's prior reluctance to engage with us on SOFA was due to its misunderstanding about the process of concluding the agreement. However, during the meeting, it became clear that the Nicaraguan side may have serious reservations about the content proposed in our draft agreement. The meeting with MINREX Director for Immunities Maria Esther Chamorro was cordial, but without tipping her hand Chamorro indicated there were concerns about at least three items: the language regarding carrying weapons, the granting of tax exemptions that pertain to the proposed administrative and technical staff (A&T)-equivalent immunity, and the entry/exit protocols. We were able to assure our counterparts that our draft proposal was open for discussion and not a fait accompli, as they had initially feared. We also clarified that the proposal was not blanket permission for any U.S. Armed Forces personnel to enter Nicaragua. Chamorro said her government would not be prepared to discuss the proposal further before the March 24. We reiterated our desire to conclude an agreement quickly and avoid further cancellations of training and humanitarian activities. END SUMMARY.

¶2. (C/NF) On March 14, nine weeks after receipt of reftel, we

were able to formally meet with Foreign Ministry (MINREX) officials to deliver the SOFA dipnote draft text and talking points per reftel. NOTE: In January, we did pass the draft text informally via email after a week of having our initial meeting requests to MINREX repeatedly postponed. END NOTE. We explained that our goal in requesting a meeting had been to determine whether there was agreement or near-agreement on the dipnote text before sending a formal, signed version. We noted that our proposed text was virtually the same as the 2007 exchange of notes -- the only significant change being the 2008 list of operational activities. We added that we were open to any concerns and emphasized our desire to conclude an agreement quickly, given that two months had already passed and some operations had already been canceled. We had initially believed that the government's reluctance to engage with us on SOFA was due to their misunderstanding about the process of concluding the agreement. However, during the meeting, it became clear that some there may be serious reservations about the content proposed in our draft agreement.

13. (C/NF) Our meeting had originally been scheduled with three senior officials -- Maria Ester Chamorro, Director of the Immunities Division; Mario Rodriguez, Director of the International Agreements Division; and Lorena Martinez, Director of the South America Division (and former Director of International Cooperation) -- however, when we arrived Chamorro was the only Director present. We were somewhat surprised to see Gregorio Torres, our normal counterpart from the North America Division, who had been scrupulously avoiding us on this issue for the previous two months. Also present, in uniform, was a LTC Estrada, from the Nicaraguan Army. Rodriguez and Martinez never appeared for the meeting. Chamorro was clearly in the lead for MINREX. She had clearly been through the draft text, as it was highlighted in several places and, as the discussion progressed, it became clear she had identified several points of serious concern about the dipnote text.

14. (C/NF) Chamorro was cordial, but without tipping her hand she indicated concerns about at least three items, namely, the language regarding carrying weapons, the granting of tax exemptions that pertain to the proposed A&T-equivalent immunity, and the entry/exit protocols. Chamorro indicated that her government needed additional time for internal consultations and said the Ministry would contact us once they were prepared to discuss the proposal further. She cautioned that nothing would be possible before the March 24 end of Holy Week. LTC Estrada noted that the 2008 list of planned operational activities had already been approved by the National Assembly and published in "La Gaceta," Nicaragua's "Federal Register." He added that the Army had been disappointed that some activities had already been canceled due to the absence of an agreement. He added that the Army supported a quick resolution that would avoid further cancellations, though he deferred to MINREX on the legal and procedural requirements that were necessary to do so.

15. (C/NF) We assured Chamorro that our draft proposal was open for discussion and not a fait accompli, as she had, apparently and incorrectly, initially feared. We also clarified that the proposal would apply to those individuals and units deployed to Nicaragua as part of one of the agreed operational activities, and was not blanket permission for any U.S. military personnel to enter Nicaragua without cause. We closed noting our disappointment that the two-month delay had caused some operational activities to be canceled, and reiterated our desire to conclude an agreement quickly to avoid further cancellations of training and humanitarian activities.

16. (C/NF) Over the weekend, the Ambassador raised the SOFA with Vice President Jaime Morales, who responded that he was shocked by the slow pace of progress and said he would raise the issue directly with President Ortega. Also, on March 24, the Ambassador telephoned FM Santos to convey our concern at the lack of progress on the SOFA and to urge quick action.

Santos replied that the SOFA had come up on the margins of his participation in the OAS Ministerial during the week of March 17. He said that his staff was concerned with one minor point in the text, which he couldn't recall, but asked that he be sent a clean copy of the draft text. He promised to press his staff to resolve this issue quickly.

17. (C/NF) COMMENT. When we arrived at MINREX for our March 17 meeting there seemed to be some confusion about whether we actually had an appointment. We have noted before that it has become increasingly difficult to engage with the Foreign Ministry, on even the most basic of issues. Our working-level contacts seem increasingly unable to assist with the most routine of requests, which requires us to "bundle" issues for the Ambassador to raise directly with the Foreign Minister episodically.
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